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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,286	03/26/1999	CARL STRATHMEYER	024/I	3294

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/277,286

Applicant(s)

STRATHMEYER ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 8/31/01. Claims 1, 3 – 10, and 13 – 20 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 is ambiguous in that it is not clear whether the server of the instant invention is either manually or dynamically configurable or both.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3 – 10, and 13 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flisik et al. in view of Farris et al. and further in view of Bateman et al.

Regarding claims 1, 4, 8, 13, and 14, Flisik et al. teaches a telephony controller as described and admitted to be prior art by Applicant.

What Flisik et al. does not teach is the ability of the telephony controller to control more than one PBX at a time, nor does it teach the ability to interact with telephony environments other than PBX's or the like.

However, it would have been obvious to one skilled in the art to have improved upon Flisik et al. by implementing access to various other telephony environments as well as access to multiple environments concurrently, instead of configuring or providing access to only one type of PBX at a time, based on the natural tendencies of the technology, as well as the common motivations of easier operation and saving time.

Furthermore, Farris et al. teaches a system and method for providing access to a variety of telephony environments including the internet, PSTN, other packet data networks, LEC's, multimedia services such as video, etc. as a result of a subscriber application being used and sending therefrom, a message, to a switching controller

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system contained within a Controlled Environmental Vault (CEV) 18, for selecting a certain one of the above-mentioned telephony applications. (See Abstract, Fig. 1, Col. 5, lines 31 – 47, Col. 7, lines 40 – 45, and Col. 8, line 51 – Col. 10, line 53)

It would have been obvious to one skilled in the art to have combined Flisik et al. and Farris et al. as already discussed and furthermore, to relieve traffic load and decision making ahead of the central or end office or switching environment as noted in Col. 4 of Farris et al.

What is further not taught by Flisik et al. is simultaneously transferring incoming calls to a user in communication with a server and providing caller related information to that user.

However, such a feature is extremely well known in the call center/ACD arts, and example of which is taught by Bateman et al. wherein information regarding a caller is transmitted either before or at the same time a call is transferred to an agent. Col. 6, lines 31 – 52 and Col. 8, line 11 – Col. 9, line 4.

It would have been obvious to one skilled in the art to have included such a feature in the invention of Flisik et al. so that when a call is received an agent may be able to more quickly and more effectively serve a caller, whether that agent is local or remotely connected to the call center whereto the call may be transferred, as noted in Bateman et al.

Regarding claims 3 – 7, 9, and 15 – 20, Flisik et al., Farris et al., and Bateman et al. have been discussed above.

Furthermore, Flisik et al. teaches being able to change a PABX interface or configure a control module 58 and converter control 56 for choosing a proper PABX interface dependent on the telephony environment, wherein the telephony environment could include various PABXs from various vendors. (Col. 3, lines 37 – 50 and Col. 11, lines 4 – 21 and Col. 12, lines 43 – 59) Furthermore, screen pop applications and accessing account information, table look-ups, displaying information on a computer screen are all very well known and inherent in Flisik et al. as Flisik teaches the ability for a user to configure the telephony controller which necessitates some version of a setup menu or GUI for interacting with the telephony controller. (Col. 1, lines 46 – 61) Even if one were to consider manual configuration of the telephony controller and perhaps physically swapping PABX interfaces for another type, Farris et al. teaches the above features for example in using the Internet and broadband services, AINs, call center applications, etc. (Col. 8, line 51 – Col. 10, line 53)

Regarding claim 10, Flisik et al. and Farris et al. have been discussed above.

Furthermore, database driven applications are very well known in the art and are inherent in the invention of Flisik et al. in that Flisik et al. teaches applications including call routing (Col. 5, line 48 – Col. 6, line 3) and it is inherent in that database driven applications would be included as part of the call routing applications. Furthermore, database driven applications would be inherent in those features discussed above and specific reference is even made to database driven applications in Farris et al. (Col. 8, line 51 – Col. 9, line 58)

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Response to Arguments

4. Applicant's arguments with respect to claims 1, 3 – 10, and 13 - 20 have been considered but are moot in view of the new ground(s) of rejection. However, Examiner would like to note that as to Applicant's arguments regarding automatic and manual selection, Farris et al. in Col. 10, lines 19 – 46, teach that a broadband connection may be automatically detected and/or configured and/or communicated with, whereas manual configuration is clearly taught by Flisik et al.

Conclusion

5.. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5858 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
November 14, 2001



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